



U.S. Department of Justice

United States Attorney  
Southern District of New York

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

February 19, 2021

**By ECF**

The Honorable Lorna G. Schofield  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: **United States v. William Ray, 17 Cr. 610 (LGS)**

Dear Judge Schofield:

The Government respectfully writes in response to the Court's February 8, 2021 order and the defendant's renewed motion for compassionate release.

As an initial matter, Ray's motion should be denied for the same reasons articulated in the Government's prior opposition. The defendant is young, healthy, and has no condition that puts him at greater risk for severe COVID-19. As such, he has failed to demonstrate extraordinary and compelling reasons warranting his release. Nor do the Section 3553(a) factors weigh in favor of release.

In his letter, the defendant takes issue with his current housing at Oklahoma City FTC, an administrative security federal transfer center. Although it is unfortunate that the defendant remains housed at a transfer facility, rather than his facility of designation, that provides no basis for compassionate release. The BOP's Modified Operations Plan reflects that, with regard to transfers, "[t]he risk of COVID-19 exposure and transmission increases as the complexity of the move increases." [https://www.bop.gov/coronavirus/covid19\\_status.jsp](https://www.bop.gov/coronavirus/covid19_status.jsp) (last accessed February 19, 2021). Unsurprisingly, this has resulted in delays in transfers.

As to the defendant's current facility, FTC Oklahoma City currently has eight active COVID-19 cases among inmates, and 59 active COVID-19 cases among staff. *See* <https://www.bop.gov/coronavirus/> (last accessed February 19, 2021). The facility to which the defendant says he is designated, FMC Rochester, has one active case among inmates, and one active case among staff. *See id.*

Finally, the defendant's medical records, which have been sent to the Court under separate cover, reflect that the defendant's transfer was delayed because he lied about a medical condition. Specifically, page four of the medical records, which is an administrative note dated October 24, 2020, states that the defendant "[m]ade it as far as Atlanta and turned around due to" paperwork on a medical condition. Page 28 of the medical records, dated December 3, 2020, then explains that the defendant "[s]tates he lied about having [a medical condition] because it was cold."

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For these reasons, the Government respectfully submits that Ray's motion for a modification of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) should be denied.

Respectfully submitted,

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United States Attorney

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cc: William Ray (via U.S. Mail)